



PATENT
Attorney Docket 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. Munger et al.**

Application No. **09/960,706**

Filed: **September 24, 2001**

Art Unit: **1631**

Examiner: **Marjorie A. Moran**

For: **Identifying Drugs For and Diagnosis of Benign Prostatic Hyperplasia
Using Gene Expression Profiles**

U.S. Patent and Trademark Office
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Alexandria, VA 22314

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 6, 2004 of the Examiner finally rejecting claims 32 to 38, 55 and 56.

The Commissioner is hereby authorized to charge **\$500.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee at the small entity rate as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 6, 2005**
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Respectfully submitted,
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